40. Opening of a Munsiff-Magistrate's Court at Mallappalli.

Mr. John Eapen (Member, T. I. C., Tiruvalla) also pointed out the urgent necessity for opening a Magistrate-Munsiff's Court for the eastern *pakuthis* of the Tiruvalla taluk, namely, Kallooppara, Ezhumattur, Aiyrur, Koipuram and Thottapuzhacherry and for the Nedumkunnam *pakuthi* of the Changanacherry taluk. He proposed the location of the Court at Mallappalli on the following grounds:—

(1) The distance to Tiruvalla from the above *pakuthis* was greater than to Mallappalli.

(2) There were better means of communication to Mallappalli than to Tiruvalla from the above *pakuthis*.

(3) Crime was on the increase since there was no immediate check.

(4) Where dying declarations were necessary, it would become practically impossible to take such declarations in the majority of cases.

The Member added that there would be sufficient work for the Court, as the average number of cases, both Criminal and Civil, for the past six years would show and that the Government would not suffer financially, as the people were prepared to give the site and even a building.

Dewan's reply.—Noted.

(3) Civil Justice.

41. Suggestions regarding the administration of Civil Justice.

Mr. K. A. Krishna Pattar (Member, Trading Classes, Quilon) spoke about the difficulties experienced by the litigant public in the Civil Courts in the matter of execution of decrees and of the award of interest allowed by the Courts. He suggested the following changes :—

(1) At present warrants of arrest were not being properly executed and the process-server was making use of them for his personal gain with the result that the decree-holder was very often unable to realise his decree-debt. To remedy the evil, the Member suggested that it should be ruled that no warrants should be returned unexecuted without the attestation of the decree-holder and that the production of the debtor or of an endorsement from the decree-holder about the satisfaction of decree should be insisted upon in respect of 75 per cent of the warrants entrusted to a process-server. He also suggested that no process-server should be allowed to continue in the same Court for a long time.

(2) Another difficulty in connection with the execution of decrees arose from the inactivity of the Courts in cases of escape from custody of debtors while under *Mohasul*. Beyond passing an order to prosecute the defendant, the Courts did not take any further step. That encouraged many debtors in their attempt to avoid payment of the decree-debt. The Civil Courts should be authorised to try such cases and punish the delinquents.

(3) In connection with the transfer of decrees for execution from one Court to another, the parties were experiencing great difficulties for want of correct information from the Courts and owing to their failure to send them to the right Courts. If the parties themselves were permitted to produce the decree and the certificate before the Courts where they desired to execute it, or, if they were given endorsements to the effect that the decree had been transferred to a particular Court, it would be a great relief to the parties who had now to wait at the Court for information and undergo unnecessary trouble and expense in getting their decrees re-transferred to the Courts which passed them and for again applying for the transfer of the decrees to the Courts where they were to be executed.

(4) When applications for correction of decrees were made either on account of some omission or error, caused by negligence in the preparation of the decrees, notice of the same had to be given to the opposite party. But the expenses incurred in connection with the application were not included in the decree. That was a grievance to the parties and should be removed

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